

15.03.2023
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 912 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.02.2023 in connection with Domkal Police Station FIR No.396 of 2022 dated 30.06.2022 under Sections 302/34 of the Indian Penal Code, Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.1862 of 2022)

And

In Re: ***Rajjak Mondal @ Abdul Rajjak Mondal***

... .. Petitioner

Mr. Aslam Parvej

... .. for the petitioner

Mr. Jisan Iqbal Hossain
Ms. Chandrima Debnath

... .. for the de-facto complainant

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 255 days. It is further submitted petitioner is not the principal accused. Co-accused has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had thrown a bomb at the victims. Thereafter, one of the victims was fired at and he died.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. There was a quarrel between two groups. Father of the petitioner fired at the victim who died. Petitioner is alleged to have thrown a bomb at the victims. Neither the post-mortem report nor the injury report shows any bomb injury. No bomb remnants were recovered from the place of occurrence. In view of the aforesaid facts and the period of detention suffered by the

petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rajjak Mondal @ Abdul Rajjak Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)